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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,639	08/10/2001	Michihiro Izumi	862.C2341	4424

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NEW YORK, NY 10112

EXAMINER

AFSHAR, KAMRAN

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,639

Applicant(s)

IZUMI, MICHIIHIRO

Examiner

Kamran Afshar, 703-305-7373

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/16/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 9 is/are allowed.
- 6) ☐ Claim(s) 1-4 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments with respect to claims 1-5, 8-9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 2 is objected to because of the following informalities: "communication unt". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Namekawa (U.S. Patent 5, 519,763).

With respect to claims 1, 8, Namekawa discloses a control method / a communication apparatus having to a communication line and capable of communication with a radio terminal not via the communication line (See e.g. Title, Abstract), the apparatus comprising: a first radio communication unit adapted to perform radio communication using a first communication method (See e.g. Co. 1, Lines 34-46); a second radio communication unit adapted to perform radio communication using a second mode communication method; and a selecting unit adapted to select the first communication method (See e.g. Co. 1, Lines 47-66), performed by the first radio communication unit, or the second communication method (See e.g. Co. 1, Line 67 – Co. 2, Line 16, performed by the second radio communication unit based on whether the communication line is used for communication by the radio terminal or not (See e.g. Co. 2, Line 50 – Co. 3, Line 10, for More Figs.1-5 & Entire Document).

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Namekawa (U.S. Patent 5, 519,763) in view of Tamura (U.S. Patent 6,600,576 B2).

With respect to claim 2, Namekawa discloses everything as discussed above in claim 1. However, Namekawa does not teach a scanner having an image reading function and removable from the apparatus main body; wherein the second radio communication unit is part of the scanner and the first radio communication unit is part of the apparatus main body. In the same field of endeavor, Tamura a scanner having an image reading function and removable from the apparatus main body; wherein the second radio communication unit is part of the scanner and the first radio communication unit is part of the apparatus main body (See e.g. Abstract, Co. 1, Line 42 – Co. 2, Line 13, Figs. 12). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Tamura to Namekawa to provide a facsimile apparatus which enables an operator to easily print or transmit the content of the memory in a hand scanner as suggested by Tamura (See e.g. Co. 1, Lines 33-35).

Regarding claim 3, Tamura discloses a scanner having an image reading function and removable from the apparatus main body, wherein the second radio communication unit is part of both the scanner and the apparatus main body (See e.g. Abstract, Co. 1, Line 42 – Co. 2, Line 13, Figs. 12).

Regarding claim 4, Tamura discloses the first radio communication unit communicates by a time division multiplex method, and second radio communication unit communicates by a frequency hopping method (See e.g. Co. 10, Lines 16-46).

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Allowable Subject Matter

7. Claims 5, 9 are allowed.

The following is an examiner's statement of reasons for allowance: 5, 9.

With respect to claims 5, 9, the prior art of record fails to disclose or render obvious that the scanner having an image reading function and removable from the main body, and further comprising: a detecting unit adapted to detect when the scanner is connected to the main body after the scanner read an image; a display unit adapted to display an user interface to select whether to print the read image or to communicate it to the communication line or to communicate to a radio communication device; and an execution unit adapted to execute a process that selected via the user interface.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

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If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached @ (703) 308-4825. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.


Kamran Afshar


**DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**